

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0609.03 Jason Gelender x4330

HOUSE BILL 19-1199

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A BILL FOR AN ACT

101 **CONCERNING THE CONDITIONS UNDER WHICH OPERATION OF A**
102 **PLUG-IN ELECTRIC MOTOR VEHICLE ON AN EXPRESS LANE**
103 **WITHOUT REGARD TO THE NUMBER OF PERSONS IN THE VEHICLE**
104 **AND WITHOUT PAYMENT OF A TOLL OR WITH PAYMENT OF A**
105 **REDUCED TOLL IS ALLOWED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On and after July 1, 2022, the bill requires the high-performance transportation enterprise (HPTE) to impose an express lane access fee

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(access fee) in a specified amount annually at the time of registration of any eligible plug-in electric motor vehicle that weighs 19,500 pounds or less, that is certified as being qualified for the federal plug-in electric drive motor vehicle tax credit or can be recharged from an external source of electricity and that stores electricity in a rechargeable battery that propels or contributes to the propulsion of the vehicle's drive wheels if the owner of the vehicle chooses to pay the access fee in exchange for the right to operate the vehicle on express lanes without regard to the number of persons in the vehicle for free on any express lane that is a high occupancy vehicle lane and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane. HPTE is not authorized to impose the access fee upon the registration of a vehicle registered for a registration period beginning on or after July 1, 2020, but before July 1, 2022, but, upon the registration of a vehicle for such a registration period, the owner of an eligible plug-in electric motor vehicle may choose to apply for the right to operate the vehicle for free on any express lane that is a high occupancy vehicle lane without regard to the number of persons in the vehicle and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane.

A plug-in electric motor vehicle is an "eligible plug-in electric motor vehicle" if it is being registered for its 1st, 2nd, or 3rd registration period under the ownership of the same owner and if making the vehicle eligible would not cause the total number of eligible vehicles to exceed a specified cap that increases annually for 5 years until reaching a permanent maximum amount. "Express lane" is defined to include any high occupancy vehicle lane, toll lane, or high occupancy toll lane that HPTE, a private partner of HPTE, or HPTE in conjunction with a private partner of HPTE or the department of transportation (CDOT) operates and maintains or that HPTE designates as an express lane, which currently includes:

- ! Operating express lanes on Interstate Highway 25 between downtown Denver and 120th Avenue, on Interstate Highway 70 between Idaho Springs and Empire, and on U.S. Highway 36 between Denver and Boulder; and
- ! Planned express lanes on: (1) Interstate Highway 25 between 120th Avenue and State Highway E-470, Johnstown and Fort Collins, and Monument and Castle Rock; (2) Interstate Highway 70 between Interstate Highway 25 and Chambers Road; and (3) State Highway C-470 between Interstate Highway 25 and Wadsworth Boulevard.

Each county clerk and recorder, acting as an authorized agent of the department of revenue, is required to collect the access fee, and access fee revenue is credited to the statewide transportation enterprise special revenue fund for use by HPTE. The owner of an eligible plug-in electric

motor vehicle may choose not to pay the access fee, but must pay the fee to be authorized to operate the vehicle for free on any express lane that is a high occupancy vehicle lane and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane, without regard to the number of persons in the vehicle. If the free or reduced toll use of express lanes by eligible plug-in electric motor vehicles is determined to cause a decrease in the level of service for other bona fide users of the express lanes so that CDOT or HPTE is violating or will violate within the next 3 months contractual level of service guarantees or will be unable to satisfy debt service coverage requirements, then CDOT may restrict or eliminate free and reduced toll use of the express lanes by eligible plug-in electric motor vehicles for as long as the violation or inability is expected to continue. CDOT is required to report annually during its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing regarding the actual and projected free and reduced toll use of express lanes by eligible plug-in electric vehicles and any actions that it has taken or expects to take to restrict, limit, or restore such use.

The existing authorization for a limited number of inherently low-emission vehicles or hybrid vehicles to use express lanes without regard to the number of persons in the vehicle and without paying a toll expires for each participating vehicle on the date of the first registration of the vehicle for a registration period that begins on or after July 1, 2022.

The department of revenue and CDOT are required to coordinate to establish electronic processes that:

- ! Automatically notify HPTE and, if deemed necessary by HPTE, any private partner of HPTE that operates an express lane, when the owner of a plug-in electric motor vehicle pays the access fee so that HPTE, directly or through its private partners, can successfully administer and enforce the conditions of access for eligible plug-in electric motor vehicles to express lanes; and
- ! Automatically notify each authorized agent when the access fee can or cannot be collected in accordance with the limitation on the number of eligible plug-in electric motor vehicles.

CDOT is authorized to promulgate administrative rules to ensure proper implementation, administration, and enforcement of the conditions of access for eligible plug-in electric motor vehicles to express lanes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-304, **amend**

1 (25)(c)(II); and **add** (25)(b.5) and (26) as follows:

2 **42-3-304. Registration fees - passenger and passenger-mile**
3 **taxes - clean screen fund - definitions - repeal.** (25) (b.5) AS USED IN
4 THIS SECTION, "ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE" HAS THE
5 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(II).

6 (c) As used in this section, "plug-in electric motor vehicle" means:

7 (II) ~~Any~~ A motor vehicle that can be recharged from any external
8 source of electricity and ~~the electricity stored~~ THAT STORES ELECTRICITY
9 in a rechargeable battery pack THAT propels or contributes to ~~propel~~ THE
10 PROPULSION OF the vehicle's drive wheels.

11 (26) (a) ON AND AFTER JULY 1, 2022, IN ADDITION TO ANY OTHER
12 FEE IMPOSED BY THIS SECTION, EACH AUTHORIZED AGENT SHALL
13 ANNUALLY COLLECT, AT THE TIME OF REGISTRATION OF EVERY ELIGIBLE
14 PLUG-IN ELECTRIC MOTOR VEHICLE AND FOR WHICH THE OWNER CHOOSES
15 TO PAY THE ACCESS FEE, THE EXPRESS LANE ACCESS FEE IMPOSED BY THE
16 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
17 43-4-806 (2)(a)(I), PURSUANT TO SECTION 43-4-806 (2)(c.5). THE
18 AUTHORIZED AGENT SHALL TRANSMIT ALL ACCESS FEE REVENUE
19 COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE REVENUE
20 TO THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL REVENUE FUND
21 CREATED IN SECTION 43-4-806 (3)(a). FOR PURPOSES OF THE LIMITATIONS
22 ON STATE AND LOCAL GOVERNMENT FISCAL YEAR SPENDING SET FORTH IN
23 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION
24 24-77-103.6, COLLECTION OF THE ACCESS FEE BY AUTHORIZED AGENTS IS
25 COLLECTIONS FOR ANOTHER GOVERNMENT, THE HIGH-PERFORMANCE
26 TRANSPORTATION ENTERPRISE, WHICH IS AN ENTERPRISE FOR PURPOSES OF
27 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND ALL ACCESS

1 FEE REVENUE IS THEREFORE EXEMPT FROM THOSE LIMITATIONS.

2 (b) IF, AT THE TIME OF REGISTRATION OF AN ELIGIBLE PLUG-IN
3 ELECTRIC MOTOR VEHICLE, THE OWNER OF THE VEHICLE CHOOSES NOT TO
4 PAY THE EXPRESS LANE ACCESS FEE IMPOSED BY THE HIGH-PERFORMANCE
5 TRANSPORTATION ENTERPRISE AS AUTHORIZED BY SECTION 43-4-806
6 (2)(c.5), THE AUTHORIZED AGENT SHALL NOT COLLECT THE ACCESS FEE
7 AND THE VEHICLE SHALL NOT BE AUTHORIZED TO BE OPERATED ON
8 EXPRESS LANES THAT ARE HIGH OCCUPANCY VEHICLE LANES FOR FREE
9 AND ON EXPRESS LANES THAT ARE TOLL LANES OR HIGH OCCUPANCY TOLL
10 LANES AT A REDUCED RATE AS SPECIFIED IN SECTION 42-4-1012 (2.5).

11 (c) THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF
12 TRANSPORTATION SHALL COORDINATE TO ESTABLISH:

13 (I) AN ELECTRONIC PROCESS THAT AUTOMATICALLY NOTIFIES THE
14 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AND, IF DEEMED
15 NECESSARY BY THE ENTERPRISE, ANY PRIVATE PARTNER OF THE
16 ENTERPRISE THAT OPERATES AN EXPRESS LANE OR THE DEPARTMENT OF
17 TRANSPORTATION, WHEN THE OWNER OF AN ELIGIBLE PLUG-IN ELECTRIC
18 MOTOR VEHICLE PAYS THE EXPRESS LANE ACCESS FEE IN ACCORDANCE
19 WITH SUBSECTION (26)(a) OF THIS SECTION; AND

20 (II) AN ELECTRONIC PROCESS THAT AUTOMATICALLY NOTIFIES
21 EACH AUTHORIZED AGENT WHEN THE ACCESS FEE CAN OR CANNOT BE
22 COLLECTED IN ACCORDANCE WITH THE LIMITATION ON THE NUMBER OF
23 ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLES SET FORTH IN SECTION
24 43-4-806 (2)(c.5)(II)(B).

25 (d) AS USED IN THIS SUBSECTION (26), "EXPRESS LANE" HAS THE
26 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(III).

27 **SECTION 2.** In Colorado Revised Statutes, 42-4-1012, **amend**

1 (2.5) as follows:

2 **42-4-1012. High occupancy vehicle (HOV), high occupancy**
3 **toll (HOT), and express lanes - rules - definitions.** (2.5) (a) (I) Except
4 as otherwise provided in ~~paragraph (d) of this subsection (2.5), a motor~~
5 ~~SUBSECTIONS (2.5)(d) AND (2.5)(e) OF THIS SECTION, AN ELIGIBLE PLUG-IN~~
6 ~~ELECTRIC MOTOR vehicle with a gross vehicle weight of twenty-six~~
7 ~~thousand NINETEEN THOUSAND FIVE HUNDRED pounds or less that is either~~
8 ~~an inherently low-emission vehicle or a hybrid vehicle~~ FOR WHICH THE
9 OWNER HAS PAID THE EXPRESS LANE ACCESS FEE IMPOSED BY THE
10 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
11 43-4-806 (2)(a)(I), PURSUANT TO SECTION 43-4-806 (2)(c.5) IN
12 ACCORDANCE WITH SECTION 42-3-304 (26)(a), OR, FOR A REGISTRATION
13 PERIOD BEGINNING ON OR AFTER JULY 1, 2020, BUT BEFORE JULY 1, 2022,
14 ONLY, THAT HAS OTHERWISE BEEN AUTHORIZED FOR SUCH OPERATION IN
15 ACCORDANCE WITH SECTION 43-4-806 (2)(c.5)(I)(A), may be operated
16 upon ~~high occupancy vehicle lanes~~ AN EXPRESS LANE without regard to
17 the number of persons in the vehicle ~~and without payment of a special toll~~
18 ~~or fee. The exemption relating to hybrid vehicles shall apply only if such~~
19 ~~exemption does not affect the receipt of federal funds and does not violate~~
20 ~~any federal laws or regulations~~ FOR FREE IF THE EXPRESS LANE IS A HIGH
21 OCCUPANCY VEHICLE LANE AND FOR ONE-HALF OF THE AMOUNT OF THE
22 USUAL TOLL IF THE EXPRESS LANE IS A TOLL LANE OR A HIGH OCCUPANCY
23 TOLL LANE.

24 (I.5) AS USED IN THIS SUBSECTION (2.5), "ELIGIBLE PLUG-IN
25 ELECTRIC MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
26 SECTION 43-4-806 (2)(c.5)(II).

27 (I.7) AS USED IN THIS SUBSECTION (2.5), "EXPRESS LANE" HAS THE

1 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(III).

2 (II) ~~As used in this subsection (2.5), "inherently low-emission~~
3 ~~vehicle" or "ILEV" means:~~

4 (A) ~~A light-duty vehicle or light-duty truck, regardless of whether~~
5 ~~such vehicle or truck is part of a motor vehicle fleet, that has been~~
6 ~~certified by the federal environmental protection agency as conforming~~
7 ~~to the ILEV guidelines, procedures, and standards as published in the~~
8 ~~federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042~~
9 ~~(September 30, 1994), as amended from time to time; and~~

10 (B) ~~A heavy-duty vehicle powered by an engine that has been~~
11 ~~certified as set forth in sub-subparagraph (A) of this subparagraph (II).~~

12 (III) ~~As used in this subsection (2.5), "hybrid vehicle" means a~~
13 ~~motor vehicle with a hybrid propulsion system that uses an alternative~~
14 ~~fuel by operating on both an alternative fuel, including electricity, and a~~
15 ~~traditional fuel.~~

16 (b) ~~No~~ A person shall NOT operate a AN ELIGIBLE PLUG-IN
17 ELECTRIC MOTOR vehicle upon a ~~high occupancy vehicle~~ AN EXPRESS lane
18 ~~pursuant to~~ UNDER THE AUTHORITY TO DO SO GRANTED BY this subsection
19 (2.5) unless the ELIGIBLE PLUG-IN ELECTRIC MOTOR vehicle:

20 (I) ~~Meets all applicable federal emission standards set forth in 40~~
21 ~~CFR sec. 88.311-93, as amended from time to time, or, subject to~~
22 ~~subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid~~
23 ~~vehicle; and~~

24 (II) (A) Is identified by means of a circular sticker or decal THAT
25 IS at least four inches in diameter; made of ~~bright orange~~ reflective
26 material; ~~and~~ affixed either to the windshield, to the front of the side-view
27 mirror on the driver's side, or to the front bumper of the vehicle; ~~Said~~

1 ~~sticker or decal shall be~~ AND approved by the Colorado department of
2 transportation; OR

3 (B) IS IDENTIFIED BY MEANS OF A TRANSPONDER ISSUED BY THE
4 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE OR BY A PRIVATE
5 ENTITY OPERATING AN EXPRESS LANE UNDER A CONTRACT WITH THE
6 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE.

7 (c) ~~The department of transportation and local authorities, with~~
8 ~~respect to streets and highways under their respective jurisdictions, shall~~
9 ~~provide information via official traffic control devices to indicate that~~
10 ~~HEVs and, subject to subparagraph (I) of paragraph (a) of this subsection~~
11 ~~(2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes~~
12 ~~pursuant to this section. Such information may, but need not, be added to~~
13 ~~existing printed signs, but as existing printed signs related to high~~
14 ~~occupancy vehicle lane use are replaced or new ones are erected, such~~
15 ~~information shall be added. In addition, whenever existing electronic~~
16 ~~signs are capable of being reprogrammed to carry such information, they~~
17 ~~shall be so reprogrammed by September 1, 2003.~~

18 (d) (I) In consultation with the regional transportation district, the
19 department of transportation and local authorities, with respect to streets
20 and highways under their respective jurisdictions, shall, in connection
21 with their ITS periodic level-of-service evaluation of high occupancy
22 vehicle EXPRESS lanes, perform a level-of-service evaluation of the use
23 of high occupancy vehicle EXPRESS lanes by HEVs and hybrid ELIGIBLE
24 PLUG-IN ELECTRIC MOTOR vehicles. If the FREE OR REDUCED TOLL use of
25 high occupancy vehicle EXPRESS lanes by HEVs or hybrid ELIGIBLE
26 PLUG-IN ELECTRIC MOTOR vehicles is determined BY THE DEPARTMENT OF
27 TRANSPORTATION to cause a significant decrease in the level of service

1 for other bona fide users of ~~such~~ THE EXPRESS lanes SO THAT THE
2 DEPARTMENT OF TRANSPORTATION OR THE HIGH-PERFORMANCE
3 TRANSPORTATION ENTERPRISE IS VIOLATING OR WILL VIOLATE WITHIN THE
4 NEXT THREE MONTHS CONTRACTUAL LEVEL OF SERVICE GUARANTEES OR
5 WILL BE UNABLE TO SATISFY DEBT SERVICE COVERAGE REQUIREMENTS,
6 then the department of transportation ~~or a local authority~~ may restrict or
7 eliminate FREE AND REDUCED TOLL use of ~~such~~ THE EXPRESS lanes by
8 ~~HEVs or hybrid vehicles~~ ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLES
9 FOR AS LONG AS THE VIOLATION OR INABILITY TO SATISFY DEBT SERVICE
10 COVERAGE REQUIREMENTS IS EXPECTED TO CONTINUE. THE DEPARTMENT
11 OF TRANSPORTATION SHALL ANNUALLY REPORT TO THE JOINT
12 COMMITTEES OF REFERENCE OF THE HOUSE OF REPRESENTATIVES AND THE
13 SENATE TO WHICH THE DEPARTMENT OF TRANSPORTATION IS ASSIGNED
14 PURSUANT TO SECTION 2-7-203 (1) AS PART OF THE HEARING REQUIRED BY
15 SECTION 2-7-203 (2)(a) REGARDING THE ACTUAL AND PROJECTED FREE
16 AND REDUCED TOLL USE OF EXPRESS LANES BY ELIGIBLE PLUG-IN ELECTRIC
17 VEHICLES AND ANY ACTIONS THAT IT HAS TAKEN OR EXPECTS TO TAKE TO
18 RESTRICT, LIMIT, OR RESTORE SUCH USE.

19 (II) If the United States secretary of transportation makes a formal
20 determination that, by giving effect to ~~paragraph (a) of this subsection~~
21 ~~(2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION on a particular highway or
22 lane OR FOR ALL TYPES OR FOR A PARTICULAR TYPE OF ELIGIBLE PLUG-IN
23 ELECTRIC MOTOR VEHICLE, the state of Colorado would disqualify itself
24 from receiving federal highway funds THAT the state would otherwise
25 qualify to receive or would be required to refund federal transportation
26 grant funds THAT it has already received, then ~~said paragraph (a)~~
27 SUBSECTION (2.5)(a) shall not be effective ~~as to such~~ FOR THE highway,

1 or lane, OR TYPE OF ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE.

2 (e) (I) UPON RECEIPT OF NOTICE FROM AN AUTHORIZED AGENT, IN
3 ACCORDANCE WITH SECTION 42-3-304 (26)(c), THAT THE OWNER OF A
4 PLUG-IN ELECTRIC MOTOR VEHICLE HAS PAID THE APPLICABLE EXPRESS
5 LANE ACCESS FEE IMPOSED BY THE HIGH-PERFORMANCE TRANSPORTATION
6 ENTERPRISE PURSUANT TO SECTION 43-4-806 (2)(c.5) OR, FOR A
7 REGISTRATION PERIOD BEGINNING ON OR AFTER JULY 1, 2020, BUT BEFORE
8 JULY 1, 2022, ONLY, UPON OTHER AUTHORIZATION FOR SUCH OPERATION
9 BY THE ENTERPRISE IN ACCORDANCE WITH SECTION 43-4-806
10 (2)(c.5)(I)(A), THE ENTERPRISE OR, IF DEEMED NECESSARY BY THE
11 ENTERPRISE, A PRIVATE PARTNER OF THE ENTERPRISE, SHALL MAIL TO THE
12 OWNER OF THE VEHICLE AT THE ADDRESS LISTED ON THE VEHICLE
13 REGISTRATION A STICKER, DECAL, TRANSPONDER, OR OTHER DEVICE THAT
14 WILL ALLOW THE ENTERPRISE OR ANY PRIVATE PARTNER OF THE
15 ENTERPRISE TO USE AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM TO
16 DETERMINE THAT THE VEHICLE IS AUTHORIZED TO OPERATE ON EXPRESS
17 LANES WITHOUT REGARD TO THE NUMBER OF PERSONS IN THE VEHICLE FOR
18 FREE ON ANY EXPRESS LANE THAT IS A HIGH OCCUPANCY VEHICLE LANE
19 AND AT A REDUCED RATE ON ANY EXPRESS LANE THAT IS A TOLL LANE OR
20 A HIGH OCCUPANCY TOLL LANE. THE ENTERPRISE OR A PRIVATE PARTNER
21 OF THE ENTERPRISE NEED NOT MAIL DECALS, TRANSPONDERS, OR OTHER
22 DEVICES IF THE ENTERPRISE DETERMINES THAT IT OR ITS PRIVATE
23 PARTNERS CAN USE AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM
24 THAT DOES NOT REQUIRE THE USE OF DECALS, TRANSPONDERS, OR OTHER
25 DEVICES TO RELIABLY ENFORCE ACCESS REQUIREMENTS FOR THE EXPRESS
26 LANES AND THE DEPARTMENT OF TRANSPORTATION APPROVES THE USE OF
27 THE SYSTEM.

1 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.5)(e)(III)
2 OF THIS SECTION, A TRANSPONDER, STICKER, OR DECAL EXPIRES WHEN THE
3 ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE TO WHICH IT IS AFFIXED IS
4 REGISTERED WITHOUT THE OWNER OF THE VEHICLE PAYING THE EXPRESS
5 LANE ACCESS FEE IMPOSED BY THE HIGH-PERFORMANCE TRANSPORTATION
6 ENTERPRISE PURSUANT TO SECTION 43-4-806 (2)(c.5), OR WHEN THE
7 VEHICLE IS REGISTERED BY AN OWNER WHO PURCHASED IT NEW FOR ITS
8 FOURTH REGISTRATION PERIOD OR BY ANY SUBSEQUENT OWNER FOR ITS
9 FIRST, SECOND, OR THIRD REGISTRATION PERIOD UNDER THAT OWNER'S
10 OWNERSHIP AND IS THEREFORE NO LONGER AN ELIGIBLE PLUG-IN ELECTRIC
11 MOTOR VEHICLE.

12 (III) A STICKER OR DECAL THAT WAS ISSUED ON OR BEFORE THE
13 EFFECTIVE DATE OF THIS SUBSECTION (2.5)(e)(III) EXPIRES ON THE DATE
14 OF THE FIRST REGISTRATION OF THE VEHICLE FOR A REGISTRATION PERIOD
15 THAT BEGINS ON OR AFTER JULY 1, 2022.

16 (f) THE DEPARTMENT OF TRANSPORTATION MAY PROMULGATE
17 RULES TO THE EXTENT NECESSARY TO ENSURE PROPER IMPLEMENTATION,
18 ADMINISTRATION, AND ENFORCEMENT OF THE CONDITIONS OF ACCESS TO
19 EXPRESS LANES.

20 **SECTION 3.** In Colorado Revised Statutes, 43-4-806, **add**
21 (2)(c.5) as follows:

22 **43-4-806. High-performance transportation enterprise -**
23 **creation - board - funds - powers and duties - limitations - reporting**
24 **requirements - legislative declaration - definitions - repeal.**

25 (2) (c.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
26 (2)(c.5)(I)(A) OF THIS SECTION, IN ADDITION TO THE USER FEES
27 AUTHORIZED BY SUBSECTION (2)(c)(I) OF THIS SECTION, AND SUBJECT TO

1 THE LIMITATIONS SET FORTH IN SECTION 42-3-304 (26)(a) AND (26)(b),
2 THE TRANSPORTATION ENTERPRISE SHALL IMPOSE AN EXPRESS LANE
3 ACCESS FEE TO BE PAID UPON THE REGISTRATION OF EACH ELIGIBLE
4 PLUG-IN ELECTRIC MOTOR VEHICLE FOR WHICH THE OWNER CHOOSES TO
5 PAY THE ACCESS FEE IN EXCHANGE FOR THE RIGHT TO OPERATE THE
6 VEHICLE ON ANY EXPRESS LANE THAT IS A HIGH OCCUPANCY VEHICLE
7 LANE FOR FREE AND ON ANY EXPRESS LANE THAT IS A TOLL LANE OR A
8 HIGH OCCUPANCY TOLL LANE AT A REDUCED RATE AS SPECIFIED IN
9 SECTION 42-4-1012 (2.5) WITHOUT REGARD TO THE NUMBER OF PERSONS
10 IN THE VEHICLE. THE TRANSPORTATION ENTERPRISE:

11 (A) SHALL NOT IMPOSE THE ACCESS FEE UPON THE REGISTRATION
12 OF A VEHICLE REGISTERED FOR A REGISTRATION PERIOD BEGINNING ON OR
13 AFTER JULY 1, 2020, BUT BEFORE JULY 1, 2022, BUT, UPON THE
14 REGISTRATION OF A VEHICLE FOR SUCH A REGISTRATION PERIOD, THE
15 OWNER MAY CHOOSE TO APPLY FOR THE RIGHT TO OPERATE THE VEHICLE
16 ON EXPRESS LANES FOR FREE OR AT A REDUCED RATE AS SPECIFIED IN
17 SECTION 42-4-1012 (2.5); AND

18 (B) SHALL IMPOSE THE ACCESS FEE AT THE RATE OF THIRTY-FIVE
19 DOLLARS UPON THE REGISTRATION OF A VEHICLE REGISTERED FOR A
20 REGISTRATION PERIOD BEGINNING ON OR AFTER JULY 1, 2022.

21 (II) AS USED IN THIS SUBSECTION (2)(c.5), "ELIGIBLE PLUG-IN
22 ELECTRIC MOTOR VEHICLE" MEANS:

23 (A) FOR ANY REGISTRATION PERIOD COMMENCING ON OR AFTER
24 JULY 1, 2020, A PLUG-IN ELECTRIC MOTOR VEHICLE THAT, IF BEING
25 REGISTERED BY AN OWNER WHO PURCHASED IT NEW, IS IN ITS FIRST,
26 SECOND, OR THIRD YEAR OF SERVICE OR THAT, IF BEING REGISTERED BY AN
27 OWNER WHO DID NOT PURCHASE IT NEW, IS BEING REGISTERED FOR ITS

1 FIRST, SECOND, OR THIRD REGISTRATION PERIOD UNDER THAT OWNER'S
2 OWNERSHIP; AND

3 (B) WOULD NOT, AS DETERMINED BY THE TRANSPORTATION
4 ENTERPRISE, IF AUTHORIZED TO BE OPERATED ON EXPRESS LANES THAT
5 ARE HIGH OCCUPANCY VEHICLE LANES FOR FREE AND ON EXPRESS LANES
6 THAT ARE TOLL LANES OR HIGH OCCUPANCY TOLL LANES AT A REDUCED
7 RATE AS SPECIFIED IN SECTION 42-4-1012 (2.5), CAUSE THE TOTAL
8 NUMBER OF PLUG-IN ELECTRIC MOTOR VEHICLES SO AUTHORIZED,
9 EXCLUDING VEHICLES DESCRIBED IN SUBSECTION (2)(c.5)(II)(C) OF THIS
10 SECTION, TO EXCEED: TEN THOUSAND FOR REGISTRATION PERIODS
11 BEGINNING ON AND AFTER JULY 1, 2020, BUT BEFORE JANUARY 1, 2021;
12 TWENTY THOUSAND FOR REGISTRATION PERIODS BEGINNING ON AND
13 AFTER JULY 1, 2021, BUT BEFORE JANUARY 1, 2022; FORTY THOUSAND
14 FOR REGISTRATION PERIODS BEGINNING ON AND AFTER JULY 1, 2022, BUT
15 BEFORE JANUARY 1, 2023; EIGHTY THOUSAND FOR REGISTRATION PERIODS
16 BEGINNING ON AND AFTER JULY 1, 2023, BUT BEFORE JANUARY 1, 2024;
17 OR ONE HUNDRED TWENTY THOUSAND FOR REGISTRATION PERIODS
18 BEGINNING ON AND AFTER JULY 1, 2024; OR

19 (C) FOR REGISTRATION PERIODS COMMENCING BEFORE JULY 1,
20 2022, ONLY, A PLUG-IN ELECTRIC MOTOR VEHICLE OR OTHER INHERENTLY
21 LOW-EMISSION VEHICLE THAT WAS AUTHORIZED BEFORE JULY 1, 2020,
22 PURSUANT TO SECTION 42-4-1012 (2.5) TO BE OPERATED UPON HIGH
23 OCCUPANCY VEHICLE LANES WITHOUT REGARD TO THE NUMBER OF
24 PERSONS IN THE VEHICLE AND WITHOUT PAYMENT OF A SPECIAL TOLL OR
25 FEE. THIS SUBSECTION (2)(c.5)(II)(C) IS REPEALED, EFFECTIVE JULY 1,
26 2023.

27 (III) AS USED IN THIS SUBSECTION (2)(c.5), "EXPRESS LANE"

1 MEANS ANY HIGH OCCUPANCY VEHICLE LANE, TOLL LANE, OR HIGH
2 OCCUPANCY TOLL LANE THAT THE TRANSPORTATION ENTERPRISE, A
3 PRIVATE PARTNER OF THE TRANSPORTATION ENTERPRISE, OR THE
4 TRANSPORTATION ENTERPRISE IN CONJUNCTION WITH A PRIVATE PARTNER
5 OF THE TRANSPORTATION ENTERPRISE OR THE DEPARTMENT OPERATES
6 AND MAINTAINS OR THAT THE TRANSPORTATION ENTERPRISE DESIGNATES
7 AS AN EXPRESS LANE.

8 (IV) AS USED IN THIS SUBSECTION (2)(c.5), "PLUG-IN ELECTRIC
9 MOTOR VEHICLE" MEANS:

10 (A) A MOTOR VEHICLE THAT HAS RECEIVED AN
11 ACKNOWLEDGMENT OF CERTIFICATION FROM THE FEDERAL INTERNAL
12 REVENUE SERVICE THAT THE VEHICLE QUALIFIES FOR THE PLUG-IN
13 ELECTRIC MOTOR VEHICLE CREDIT SET FORTH IN 26 U.S.C. SEC. 30D, OR
14 ANY SUCCESSOR SECTION; OR

15 (B) A MOTOR VEHICLE THAT CAN BE RECHARGED FROM AN
16 EXTERNAL SOURCE OF ELECTRICITY AND THAT STORES ELECTRICITY IN A
17 RECHARGEABLE BATTERY PACK THAT PROPELS OR CONTRIBUTES TO THE
18 PROPULSION OF THE VEHICLE'S DRIVE WHEELS.

19 **SECTION 4. Effective date - applicability.** This act takes effect
20 July 1, 2020, and applies to eligible plug-in electric motor vehicles
21 registered for registration periods that commence on or after said date;
22 except that, section 42-4-1012 (2.5)(f), enacted in section 2 of this act,
23 takes effect July 1, 2019.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.